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*Attorney for Defendant BRANDON WHITE*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	2:15-cr-0029-GMN-VCF
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>STIPULATION TO CONTINUE</u></b>
	)	<b><u>MOTIONS DEADLINES</u></b>
BRANDON MICHAEL WHITE,	)	
	)	<b>(Fifth Request)</b>
Defendant.	)	

**IT IS HEREBY STIPULATED AND AGREED**, by and between Phillip N. Smith, Jr. Assistant United States Attorney, counsel for the United States of America, and Daniel J. Albregts, Esq., counsel for defendant BRANDON MICHAEL WHITE, that the parties herein shall have to and including Friday, August 14, 2015, within which to file any and all pretrial motions and notices of defense. It is anticipated that this stipulation will not effect the currently scheduled trial date.

**IT IS FURTHER STIPULATED AND AGREED**, that the parties herein shall have to and including Friday, August 28, 2015, within which to file any and all responsive pleadings.

**IT IS FURTHER STIPULATED AND AGREED**, that the parties herein shall have to and including Friday, September 4, 2015, within which to file any and all replies to dispositive motions.

This stipulation is entered into for the following reasons:

1. The defendant is facing the possibility of being either an armed career criminal or career offender if he is convicted of the charges in this case. As such, he is facing the potential of a substantial sentence. Defense counsel has been researching the defendant's criminal history and the

1 sentencing guidelines in order to advise the defendant regarding the potential sentence he is facing  
2 if convicted at trial versus the potential sentence he is facing with a plea agreement.

3 2. The determination as to whether the defendant should accept the plea negotiations must  
4 be made prior to the filing of motions. Counsel has been unable to complete this work prior to the  
5 currently scheduled motions deadline.

6 3. Defense counsel was recently on his family vacation and anticipated completing the  
7 research and making a decision on plea negotiations prior to the currently scheduled motions  
8 deadline. However, while on vacation, defense counsel was injured and currently is suffering from  
9 a sciatic nerve problem in his lower back. As a result of this condition, counsel has been limited at  
10 work.

11 4. Defense counsel is the attorney for the lead defendant in the homeowner's association case  
12 which is scheduled for sentencing in two weeks. Therefore, counsel has been spending what limited  
13 time he can at work as a result of his medical condition preparing for that sentencing. As a result,  
14 counsel has been unable to drive to Pahrump one last time to meet with the defendant to determine  
15 whether or not he wishes to accept the plea negotiations or whether motions need to be filed.

16 5. The additional time requested herein will allow defense counsel sufficient time to  
17 complete his research on the defendant's criminal history and the guideline calculation for that  
18 criminal history, meet with the defendant in Pahrump to discuss the plea negotiation in the context  
19 of his potential sentence if convicted at trial, and thereafter if motions are necessary, file motions by  
20 the currently scheduled deadline.

21 6. Denial of this request for a continuance would deny the parties herein sufficient time and  
22 opportunity to effectively and thoroughly prepare any motions in this case, taking into consideration  
23 the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

24 7. This request for a continuance is made in good faith and is not intended to delay the  
25 proceedings in this matter.

26 . . .

27 . . .

1 8. It is not anticipated that this continuance will effect the trial date and therefore, no speedy  
2 trial provisions need to be cited or waived by the defendant for the purposes of this stipulation.

3 DATED this 23<sup>rd</sup> day of July, 2015.

4 DANIEL G. BOGDEN  
United States Attorney

DANIEL J. ALBREGTS, LTD.

5  
6 /s/ Phillip N. Smith, Jr.  
PHILLIP N. SMITH, JR.  
7 Assistant United States Attorney

/s/ Daniel J. Albregts  
DANIEL J. ALBREGTS, ESQ.  
Counsel for Defendant WHITE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	2:15-cr-0029-GMN-VCF
	)	
Plaintiff,	)	
	)	
v.	)	
	)	<b>FINDINGS OF FACT,</b>
BRANDON MICHAEL WHITE,	)	<b>CONCLUSIONS OF LAW</b>
	)	<b>AND ORDER</b>
Defendant.	)	

**FINDINGS OF FACT**

Based on the pending stipulation of counsel, and good cause appearing therefore, the court hereby finds that:

1. The defendant is facing the possibility of being either an armed career criminal or career offender if he is convicted of the charges in this case. As such, he is facing the potential of a substantial sentence. Defense counsel has been researching the defendant's criminal history and the sentencing guidelines in order to advise the defendant regarding the potential sentence he is facing if convicted at trial versus the potential sentence he is facing with a plea agreement.

2. The determination as to whether the defendant should accept the plea negotiations must be made prior to the filing of motions. Counsel has been unable to complete this work prior to the currently scheduled motions deadline.

3. Defense counsel was recently on his family vacation and anticipated completing the research and making a decision on plea negotiations prior to the currently scheduled motions deadline. However, while on vacation, defense counsel was injured and currently is suffering from a sciatic nerve problem in his lower back. As a result of this condition, counsel has been limited at work.



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2 including Friday, August 28, 2015, within which to file any and all responsive pleadings.

3           **IT IS FURTHER STIPULATED AND AGREED**, that the parties herein shall have to and  
4 including Friday, September 4, 2015, within which to file any and all replies to dispositive motions.

5           DATED this 24th day of July, 2015.

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9 UNITED STATES MAGISTRATE JUDGE  
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